



The Presidency Small Cause Courts (Tamil Nadu Amendment) Act, 1927

Act 3 of 1927

Keyword(s):

Central Act Amendment, The Presidency Small Cause Courts Act, 1882

Amendments appended: 12 of 1955, 16 of 1956, 26 of 1995

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[TAMIL NADU] ACT No. III OF 1927*.

[THE PRESIDENCY SMALL CAUSE COURTS ([TAMIL NADU] AMENDMENT) ACT, 1927.]

[Received the assent of the Governor on the 25th March 1927, and that of the Governor-General on the 15th April 1927; the assent of the Governor-General was first published in the Fort St. George Gazette of the 3rd May 1927.]

An Act to amend the Presidency Small Cause Courts Act, 1882, in its application to the Presidency Town of Madras.

WHEREAS it is expedient to amend the Presidency Small Cause Courts Act, 1882, in its application to the Presidency Town of Madras for the purpose herein-after appearing;

AND WHEREAS the previous sanction of the Governor-General has been obtained;

It is hereby enacted as follows:—

1. This Act may be called the Presidency Small Cause Courts ('[Tamil Nadu] Amendment) Act, 1927. Short title.

Central
Act XV
of 1882.

2. (a) In section 47 of the Presidency Small Cause Courts Act, 1882, for the words 'suit in the High Court against the applicant', the words 'suit against the applicant in the High Court or in the Madras City Civil Court, as the case may be, shall be substituted; and

(b) In section 49 of the same Act, after the words 'suit in the High Court', the words 'or in the Madras City Civil Court, as the case may be,' shall be inserted. Amendment of section 49, Central Act XV of 1882.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

² For Statement of Objects and Reasons, see Fort St. George Gazette, dated the 18th January 1927—Part IV, page 2.

¹[TAMIL NADU] ACT No. XII OF 1955]²

[THE PRESIDENCY SMALL CAUSE COURTS (¹[TAMIL NADU] AMENDMENT) ACT, 1955].

(Received the assent of the Governor on the 22nd April 1955, first published in the Fort St. George Gazette on the 27th April 1955.

An Act further to amend the Presidency Small Cause Courts Act, 1882, in its application to the ³[State of Tamil Nadu].

WHEREAS it is necessary and expedient further to amend the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), in its application to the ³[State of Tamil Nadu], for the purposes hereinafter appearing;

BE it enacted in the Sixth Year of the Republic of India as follows:—

I. (i) This Act may be called the Presidency Small Cause Courts (¹[Tamil Nadu] Amendment) Act 1955. ^{Short title and commencement.}

(2) It shall come into force on such date as the State Government may, by notification in the *Fort St. George Gazette***, appoint.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, dated the 8th December 1954, pages 333-334.

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

* Came into force on the 1st July 1955.

** Now the Tamil Nadu Government Gazette.

470 Presidency Small Cause Courts [1955: T.N. Act XII
(Tamil Nadu Amendment)]

Amendment of section 71, Act, 1882 (Central Act XV of 1882) (hereinafter referred to Central Act XV as the principal Act), for clauses (a) and (b), the following of 1882, shall be substituted :—

“ the sum of ⁴[seventy five mays paite] for every ten rupees or part thereof of the amount or value of the subject-matter.”

Insertion of new sections 72A and 72B in Central Act XV of 1882.

Fees for certain applications. **72-A.** No document of any of the kinds specified in the Fifth Schedule shall be filed, exhibited or recorded in, or shall be received or furnished by, the Small Cause Court, unless in respect of such document, the fee specified therein be paid.

Fees for applications under section 38. **72-B.** A fee amounting to one-half of the fee payable on the plaint in a suit for the amount or value of the relief claimed in the application, including the value of any relief claimed in respect of costs, shall be paid on every application made under section 38 on which the Small Cause Court orders that notice be issued on the opposite party, and such notice shall not be issued until such fee has been paid :

Provided that where a new trial is ordered to be held, the Small Cause Court may direct that such fee be repaid, in whole or in part, to the party by whom it has been paid”.

*Chapter X (sections 71 to 77-B) of, and the Fifth Schedule to, the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), have been omitted by sections 2 and 3 respectively of the Presidency Small Cause Courts, Code of Civil Procedure and Tamil Nadu Court-Fees and Suits Valuation (Amendment) Act, 1979 (Tamil Nadu Act 43 of 1979).

1 These words were substituted for the words “ twelve annas ” by section 2 of, and the Schedule to, the Tamil Nadu Coinage (Alteration of References) Act, 1960 (Tamil Nadu Act 9 of 1960).

*4. After section 74 of the principal Act, the following ^{Insertion of new sections 74A to 74-E in Central Act XV of 1882.} sections shall be inserted, namely :—

“ 74-A. Where the plaintiff or applicant in any suit or application received and registered under section 74 succeeds in the suit or application, the Small Cause Court shall calculate the amount of fee which would have been paid by the plaintiff or applicant if that suit or application had not been so received and registered; such amount shall be recoverable by the State Government from any party ordered by the decree or order to pay the same, and shall be a first charge on the subject-matter of the suit or application.

74-B. Where the plaintiff or applicant fails in the suit or application or where the suit or application is withdrawn or where part of the claim is abandoned or where the suit or application is dismissed because the plaintiff or applicant does not appear when the suit or application is called on for hearing, the Small Cause Court shall order the plaintiff or applicant or any person added as a co-plaintiff to the suit or co-applicant in the application to pay the fee and in the case of abandonment of part of the claim the proportionate fee which would have been payable by the plaintiff or applicant if the suit or application had not been received and registered under section 74.

74-C. Where the Small Cause Court finds that a suit or application received and registered under section 74 has been instituted unreasonably or improperly by a next friend on behalf of a minor plaintiff or applicant on a cause of action which accrued during the minority of such plaintiff or applicant, the Small Cause Court may order the next friend to personally pay the fee.

* Chapter X (sections 71 to 77-B) of, and the Fifth Schedule to, the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), have been omitted by sections 2 and 3 respectively of the Presidency Small Cause Courts, Code of Civil Procedure and Tamil Nadu Court-fees and Suits Valuation (Amendment) Act, 1979 (Tamil Nadu Act 43 of 1979).

472 Presidency Small Cause Courts [1955: T.N. Act XII (Tamil Nadu Amendment)]

**Procedure
where suit or
application
by poor
person abates**

74-D. Where the suit or application abates by reason of the death of the plaintiff or of any person added as a co-plaintiff or of the applicant or of any person added as a co-applicant, the Small Cause Court shall order that the amount of fee which would have been paid by the plaintiff or applicant if his suit or application had not been received and registered under section 74 shall be recoverable by the State Government from the estate of the deceased plaintiff or applicant.

**Recovery of
amount
of fee**

74-E. Where an order is made under section 74-A, 74-B, 74-C or 74-D, the Small Cause Court shall forthwith cause a copy of the decree or order to be forwarded to the Collector, who may, without prejudice to any other mode of recovery, recover the amount of fee specified therein from the person or property liable for the payment as if it were an arrear of land revenue.***

**Substitution of
new sections for
section 77
in Central
Act XV of 1882**

*5. For section 77 of the principal Act, the following sections shall be substituted, namely :—

**Decision as to
proper fee.**

“77. If any difference arises between the officer whose duty it is to see that any fee is paid under this Act and any party as to the necessity of paying a fee or the amount thereof, the question shall be referred to the Registrar whose decision shall be final except where, in his opinion, the question is one of general importance in, which case he shall refer it to the Chief Judge.

**77-A. All fees chargeable under this Act shall be
collected by stamps.”**

*Chapter X (sections 71 to 77-B) of, and the Fifth Schedule to, the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882) have been omitted by sections 2 and 3 respectively of the Presidency Small Cause Courts, Code of Civil Procedure and Tamil Nadu Court-fees and Suits Valuation (Amendment) Act, 1979 (Tamil Nadu Act 43 of 1979).

*6. After the Fourth Schedule to the principal Act, the following Schedule shall be added, namely:—

Addition
 of a new
 Schedule
 to Central
 Act XV
 of 1882.

THE FIFTH SCHEDULE.

(See section 72-A.)

<i>Article.</i>	<i>Particulars.</i>	<i>Proper fee.</i>
1	Applications for lapsed deposits presented after six months after the date on which the amount lapsed to the Government—	
	(i) when the amount or deposit does not exceed Rs. 50.	
	(ii) when the amount or deposit exceeds Rs. 50 but does not exceed Rs. 1,000.	One rupee.
	(iii) when it exceeds Rs. 1,000.	Two rupees.
2.	Copy or translation of a judgment or order not being or having the force of a decree—	
	(a) if the amount or value of the subject-matter is Rs. 50; or less than Rs. 50.	
	(b) if such amount or value exceeds Rs. 50.	One rupee.

¹These words were substituted for the words "eight annas" by section 2 of, and the Schedule to, the Tamil Nadu Coinage (Alteration of References) Act, 1960 (Tamil Nadu Act 9 of 1960).

* Chapter X (sections 71 to 77-B) of, and the Fifth Schedule to, the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), have been omitted by sections 2 and 3 respectively of the Presidency Small Cause Courts, Code of Civil Procedure and Tamil Nadu Court-fees and Suits Valuation (Amendment) Act, 1979 (Tamil Nadu Act 43 of 1979).

<i>Article.</i>	<i>Particulars.</i>	<i>Proper fee.</i>
3	Copy of a decree or order having the force of a decree— (a) if the amount or value of the subject-matter of the suit wherein such decree or order is made is Rs. 50, or less than Rs. 50.	¹ [Seventy-five naye paise].
	(b) if such amount or value exceeds Rs. 50.	One rupee and ² [fifty naye paise].
4	Copy of any document liable to stamp duty under the Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn— (a) when the stamp duty chargeable on the original does not exceed ² [fifty naye paise].	The amount of the duty chargeable on the original.
	(b) in any other case	¹ [Seventy-five naye paise].
5	Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act or copy of any account, statement, report, or the like taken out of the Small Cause Court— For every document	¹ [Seventy-five naye paise].

¹ These words were substituted for the words "twelve annas" by section 2 of, and the Schedule to, the Tamil Nadu Coinage (Alteration of References) Act, 1960 (Tamil Nadu Act 9 of 1960).

² These words were substituted for the words "eight annas" by section 2 of, and the Schedule 2, the Tamil Nadu Coinage (Alteration of References) Act, 1960 (Tamil Nadu Act 9 of 1960).

Article.	Particulars.	Proper fee.
6	Vakalatnama or any paper signed by an Advocate signifying or intimating that he is retained for a party except where the party is a member of any of the Armed Forces of the Union not in civil employment.	One rupee and ¹ [fifty naye paise].
7	Application to receive and register a suit or an application under section 41 without payment or on part payment of fees mentioned in sections 71 and 72.	² [Seventy-five naye paise].
8	Application for a copy of translation of any judgment, decree or any proceeding or order or of any other document on record.	³ [Twenty-five naye paise].
9	Application or petition not otherwise provided for in this Act.	² [Seventy-five naye paise].

7. In Article 40 of Schedule I-A to the Indian Stamp Act, 1899 (Central Act II of 1899), the following entries shall be omitted, namely :—

“(b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882.

8. All suits and proceedings instituted in the Small Cause Court before the commencement of this Act and all proceedings by way of appeal, revision or otherwise arising therefrom, whether instituted before or after such commencement, shall be governed by the provisions of the principal Act as if this Act had not been passed.

¹ These words were substituted for the words “eight annas” by section 2 of, and the Schedule to, the Tamil Nadu Coinage (Alteration of References) Act, 1960 (Tamil Nadu Act 9 of 1960).

² These words were substituted for the words “twelve annas” by ibid.

³ These words were substituted for the words “four annas” by ibid.

Amendment of
 Schedule I-A to
 Central Act II
 of 1899.

[TAMIL NADU] ACT No. XVI OF 1956.²

[THE PRESIDENCY SMALL CAUSE COURTS ('[TAMIL
NADU] AMENDMENT) ACT, 1956.]

(Received the assent of the President on the 25th September 1956; first published in the Fort St. George Gazette on the 10th October 1956.)

An Act further to amend the Presidency Small Cause Courts Act, 1882, in its application to the ³[State of Tamil Nadu].

WHEREAS it is expedient further to amend the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), in its application to the ³[State of Tamil Nadu] for the purpose hereinafter appearing;

BE it enacted in the Seventh Year of the Republic of India as follows:—

Short title and extent. 1. (1) This Act may be called the Presidency Small Cause Courts ('[Tamil Nadu] Amendment) Act, 1956.

(2) It extends to the whole of the ³[State of Tamil Nadu].

Substitution of new section for section 47 in Central Act XV of 1882. 2. For section 47 of the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), the following section shall be substituted, namely:—

“47. (1) Where on an application being made under section 41 the occupant, within a month from the service on him of the summons under section 42 or where the summons had not been personally served on him, within a month of his knowledge of the making of the application under section 41, enters into a bond as hereinafter provided to the satisfaction of the Small Cause Court, the

¹These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws, Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

²For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, dated the 6th June 1956, page 46.

³This expression was substituted for the expression “State of Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

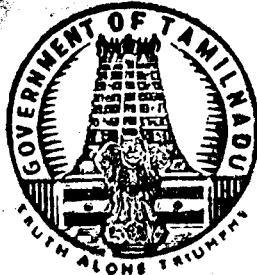
Small Cause Court shall stay further proceedings on the application from the stage reached when the bond was accepted by the Small Cause Court.

(2) The occupant shall, by the bond aforesaid, bind himself, with two sureties, for such sum as the Small Cause Court thinks reasonable, having regard to the value of the property and the probable costs of the suit to institute, within a month from the date of the acceptance of the bond by the Small Cause Court, a suit in the High Court or in the City Civil Court, as the case may be, to establish his title to continue in possession of the property and in the event of such suit being dismissed, to pay the applicant the cost that may be decreed to him in such suit.

(3) Where such suit is not instituted within a month of the date of the acceptance of the security by the Small Cause Court or where such suit having been instituted within the said period is dismissed, the Small Cause Court shall proceed with the application from the stage reached when security under sub-section (1) was accepted.

(4) A decree passed in such suit against the applicant shall supersede the order, if any, made under section 43.

(5) Nothing contained in section 22 shall apply to suits under this section".



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Part IV—Section 2 Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 14th September 1995 and is hereby published for general information:—

ACT No. 26 OF 1995.

An Act further to amend the Presidency Small Cause Courts Act, 1882 and the Provincial Small Cause Courts Act, 1887, in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Presidency Small Cause Courts and the Provincial Small Cause Courts (Tamil Nadu Amendment) Act, 1995. Short title,
extent and
commencement.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Central Act
XV of 1882.

2. In the Presidency Small Cause Courts Act, 1882,—

Amendment
of Central Act
XV of 1882.

(1) in section 14, for the words "twenty rupees", the words "two hundred rupees" shall be substituted;

(2) in section 18,—

(a) in the opening portion, for the words "two thousand rupees", the words "twenty thousand rupees" shall be substituted;

(b) in the Explanation 1, for the words "two thousand rupees", the words "twenty thousand rupees" shall be substituted;

(3) in section 20, in the first paragraph, for the words "two thousand rupees" occurring in two places, the words "twenty thousand rupees" shall be substituted;

(4) in section 21, for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted;

(5) in section 22,—

(i) for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted;

(ii) for the words "three hundred rupees", the words "three thousand rupees" shall be substituted;

(6) in section 39, in sub-section (1), for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted;

(7) in section 41, for the words "two thousand rupees", the words "five thousand rupees" shall be substituted;

(8) in section 45, in the second paragraph, for the words "ten rupees", the words "one hundred rupees" shall be substituted;

(9) in section 63, in the first paragraph, for the words "one thousand rupees", the words "two thousand and five hundred rupees" shall be substituted;

(10) in section 69, in sub-section (1), for the words "five hundred rupees", the words "two thousand and five hundred rupees" shall be substituted;

(11) in section 76, for the words "twenty rupees", the words "two hundred rupees" shall be substituted.

3. In the Provincial Small Cause Courts Act, 1887,—

Central Act
IX of 1887.

(1) in section 12, in sub-section (3), for the words "twenty rupees", the words "two hundred rupees" shall be substituted;

(2) in section 15,—

(i) in sub-section (2), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted;

(ii) in sub-section (3), for the words "one thousand rupees", the words "five thousand rupees" shall be substituted;

(3) in section 28, in sub-section (2), for the words "five thousand rupees", the words "thirty thousand rupees" shall be substituted.

4. (1) All suits and proceedings of which the amount or value of the subject-matter exceeds rupees two thousand but does not exceed rupees twenty thousand and pending in the Madras City Civil Court, immediately before the date of the Commencement of this Act, shall be heard and disposed of by the Madras City Civil Court, as if this Act had not been passed.

(2) All suits and proceedings of which the amount or value of the subject-matter exceeds five hundred rupees but does not exceed five thousand rupees and pending in any court of the District Munsif, immediately before the date of the commencement of this Act, shall be heard and disposed of by such court of the District Munsif as if this Act had not been passed.

(By order of the Governor.)

M. MUNIRAMAN.
Secretary to Government, Law Department.